



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,425	06/18/2007	Bruno Egnor-Walter	17772/004001	7024
22511 7590 01/27/2012 OSHA LIANG I.L.P. TWO HOUSTON CENTER 909 FANNIN, SUITE 3500 HOUSTON, TX 77010				
EXAMINER GRAHAM, GARY K				
ART UNIT		PAPER NUMBER		
3727				
NOTIFICATION DATE		DELIVERY MODE		
01/27/2012		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@oshaliang.com
hathaway@oshaliang.com
kennedy@oshaliang.com

Office Action Summary

Application No.

10/590,425

Applicant(s)

EGNER-WALTER ET AL.

Examiner

GARY GRAHAM

Art Unit

3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 1-3,5-10,14-19,23,25,26 and 30 is/are pending in the application.
- 5a) Of the above claim(s) 7 and 23 is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 1-3,5,6,8-10,14-19,25,26 and 30 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-SB05)
Paper No(s)/Mail Date ____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the first and second fixing elements arranged in part on a bodywork side of the vehicle and the fixing or attachment openings arranged on the wiper system or functional element of the wiper system must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-3, 5-6, 8-10 and 14-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 6, it appears ---the--- should be inserted after “moulded on” to provide proper grammar. In line 8, it appears ---a--- should be inserted before “first” to provide proper grammar. Also, lines 8-12 appear somewhat confusing. Lines 8-9 set forth a first fixing element configured to be pushed into an attachment or fixing hole, while lines 11-12 set forth a second fixing element which is inserted into the attachment or fixing hole. There does not appear to be a single attachment or fixing hole that receives both a first and second fixing element, at least as far as understood. It appears the first and second fixing elements would be inserted into different attachment or fixing holes. Clarification and/or correction is requested.

In claim 15, line 3, there is no antecedent basis for “openings”. It appears “openings” should be ---holes--- to be consistent.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3727

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 17-19, 25-26 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmid et al (US patent application publication 2004/0021335) in view of Mitomi (US patent 4,675,937).

The publication to Schmid discloses the invention substantially as is claimed. Schmid discloses a windscreen wiper system (10,fig.1) for motor vehicles and includes three screw-free connections (29). The connections include elastic grommets (38) provided on pegs (32,34,36) on the wiper system and act as fixing elements for insertion into fixing holes (54,56,58) on the vehicle bodywork. Bolts (40) act to secure the grommets to the pegs.

The publication to Schmid discloses all of the above recited subject matter with the exception of the grommet including a cavity arranged radially inwardly opposite a projection thereon which engages the fixing holes.

The patent to Mitomi discloses attachment of a component (B) to a vehicle body (A). The attachment includes a grommet (1) used to connect a peg (b) of the component (B) to a hole (a) within the vehicle body (A). The grommet includes projections (3,4) acting as catches for engagement with the vehicle body. The projections define contact surfaces for engagement with or gripping surfaces on each side of the fixing hole (a). Such contact surfaces are spaced no more than equal to an axial distance between the surfaces on the fixing hole (see fig.7). The grommet further includes cavities disposed radially inwardly with respect to the projections. One cavity is defined under the projection (3) and between the projection (3) and an outer wall of the grommet. Another cavity (5) is defined between the outer wall of the grommet and the inner wall (6) of the grommet. The cavity (5) is arranged radially inwardly of both projections (3,4). A locking plate (11) is provided in the grommet and enables tool free attachment for locking the peg of the component with the grommet and thus the vehicle. The peg (b) includes "back cuts" thereon to define a stepped taper area (fig.7).

It would have been obvious to one of skill in the art to employ or substitute a peg and grommet as suggested by Mitomi for the peg/grommet attachments in the wiper system of Schmid to eliminate the need for bolts to secure the grommets with the pegs. Such would enable simplified assembly by providing for tool free assembly of the grommets with the pegs.

With respect to claim 18, the cavities of Mitomi are considered to be "circular groove-shaped" cutouts, at least as far as defined.

With respect to claim 19, the cavity under the projection (3) is open towards the circumference of the grommet (see fig.1).

With respect to claim 26, the outer wall of the grommet set forth by Mitomi is considered a flange-shaped grommet section which defines the further contact surface on the projections (4).

With respect to claim 30, at least the volume of cavity (5) is at least equal to the volume of the projections (3,4). See figure 1.

Allowable Subject Matter

Claims 1-3, 5, 6, 8-10 and 14-16 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Response to Arguments

Applicant's arguments filed 17 November 2011 have been fully considered but they are not persuasive.

As set forth above, there still appears some 112 second paragraph deficiencies in the claims.

Applicant's arguments with respect to claim 17 are noted but not persuasive. Applicant argues that claim 17 requires the grommet is arranged secured against axial displacement on a peg or a peg section of the at least one second fixing element, safeguarded by back cuts between the peg and the grommet axially on the peg and wherein the peg or the peg section has at least one groove to accept the grommet. However, such language does not appear in claim 17. Thus such arguments are not particular persuasive.

Applicant's argument's with respect to Mitomi are noted but not persuasive or understood. Applicant argues that "...the through-hole in Mitomi, which the Examiner equates to the claimed cavity, is arranged *on the panel*, and not on the clip/grommet (1)". However, it is not clear why applicant feels the examiner has equated the through hole in the panel (A) to the cavity in the grommet. Applicant is referred to the rejection above. The examiner has pointed out that the grommet includes cavities disposed radially inwardly with respect to the projections. One cavity is defined under the projection (3) and between the projection (3) and an outer wall of the grommet. Another cavity (5) is defined between the outer wall of the grommet and the inner wall (6) of the grommet. The cavity (5) is arranged radially inwardly of both projections (3,4). Such cavities can clearly be seen in figure 7 and are provided in the grommet and not the panel.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GARY GRAHAM whose telephone number is (571)272-1274. The examiner can normally be reached on Tuesday to Friday (7:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica S. Carter can be reached on 571-272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gary K Graham/
Primary Examiner, Art Unit 3727